



NEED AND IMPORTANCE OF REGULATIONS OF MEDIA IN INDIA

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ABSTRACT

The most crucial organ of democratic society is the media. The smooth operation of a parliamentary government is measured by press freedom. The media is the most effective means of communicating with the general public. However, media standards and quality have recently deteriorated significantly. Corruption, bought journalism, and invasions of privacy are just a few of the issues that have resulted in an upsurge in complaints. The media's unrestricted power and freedom has resulted in its arbitrary usage. The necessity of the hour is for some type of regulation to prevent the media from abusing the freedom it has been granted. There are many rules and regulations for media regulation that have already been established, but they have all proven to be ineffective. Regularizing the media does not imply a violation of the Indian Constitution's Article 19(1)(a). In several occasions, the courts have ruled that media regulation and restrictions can be imposed if they are necessary for a fair trial and the administration of justice. As a result, media regulation is critical to ensure that it operates within the constraints.

KEYWORDS: MEDIA, Regulations, India.

INTRODUCTION:

In today's world, the media serves as a vehicle for the dissemination of incorrect information, fueling communal strife in the minds of Indian residents. Existing organisations like as the News Broadcasters Association and the Broadcast Editors Association have failed to self-regulate because their only goal has become to wring profit from high TRP. Due to a lack of standards and inspections, journalism appears to be straying from its ethical code. Every profession has an ethical code, and each profession is governed by a regulating agency. Advocates, for example, are controlled by the Bar Council of India, and if an advocate violates his or her professional ethical code, he or she is sanctioned by the same regulatory organisation. The same is true for doctors, who are governed by the Medical Council of India. The lack of such a governing organisation has caused journalists to abandon their ethical code, therefore eliminating the profession's worth. The paper will demonstrate several instances of fake reporting by various journalists that endanger national security and integrity. For example, the author will explain the narrative of "Mr. Kulbhushan Jadhav" that was spread by the Quint and was later pulled down due to credibility concerns. However, Pakistan's Attorney General presented this storey disseminated by The Quint as gospel truth in the International Court of Justice, swaying the verdict in Pakistan's favour and making Mr. Jadhav's homecoming difficult.

ACCOUNTABILITY OF MEDIA:

The media play a critical role in raising public awareness about human affairs in a society. As one of six liberties guaranteed by Article 19 of the Indian Constitution, freedom of speech and expression is one of them. Despite the fact that article 19 does not directly mention press freedom, the right to freedom of speech and expression includes it as a basic right. Because the media is in the business of obtaining and disseminating information, it is expected to hold a prominent position, one that makes it extremely responsible and accountable to the general public. This indicates that a number of moral customs are necessary for journalists and media practitioners to function well. The media gathers information on behalf of its residents and the general public, therefore it has a special responsibility to guard against misleading and distorted information. As a result, in news transmission, media practitioners should be moral and accountable. As a result, the media must be held accountable.

The concept of media accountability also encompasses a variety of ways that aren't directly tied to determining audience complaints. Ethics codes, for example, are one way to control journalistic behaviour in Canada, and many Quebec news institutes have moral codes. Simultaneously, it is examined how the media industry has gotten more professional in recent years, and how impact assessment approaches have become more sophisticated and successful. Non-state institutions make assessments in various nations, and these conclusions are taken into account or overseen by media authorities. Some countries have implemented systems that appear to fall under the heading of co-regulation, and others are planning the transition from traditional command and control to novel forms of authority. Consider the broadcast regulatory bodies in the United Kingdom, New Zealand, and Canada. Aggression, obscenity, advertisements, and fraudulent claims are among the topics covered by the regulating authority's standards. If any of the following matters were broadcast, provoking public unrest, the responsible media would be subjected to disciplinary punishment. The codes were written with input from subject matter specialists and consideration of public opinion.

THE NEED OF REGULATIONS ON MEDIA:

One of the most important aspects of today's democratic framework is media freedom. However, the debate arises as to whether this freedom must be unlimited or whether certain limitations are required. Although there is no total freedom in India, the self-regulatory agencies of the media have made it omnipotent, sowing the seeds of corruption through the dissemination of misleading information by the media. People conflate the terms regulation and control; what we need is media regulation, not control, as ex-Chairman of the Press Council of India Hon'ble J. Markandey Katju has stated. Regulations are the most important aspect of a democracy because they ensure that the rule of law is upheld.

Regulations ensure that an organisation does not disrupt a nation's functioning while also safeguarding the ethical and moral values of diverse professions, organisations, and administrative activities. Journalists now run the media, which is the product of a professional Mass Communication school. Every professional course, including journalism, has an ethical code. Media corruption occurs when journalists are disassociated from their ethical code, and current regulatory agencies lack the authority to control media in such a way that ensures journalists do not engage in unethical behaviour.

The lack of sanctioning power given to the media regulating agencies, the Press Council of India (which exclusively regulates the press media) and the News Broadcasting Standard Authority, is the cause for this (which is a self-regulatory body set up by News Broadcasters Association). To have a better understanding of the concept of penalization, we must first determine how much punishment we may inflict on the media, which falls under the category of regulation rather than control. To better comprehend this, consider how lawyers in India are governed by the BAR Association of India, which is empowered to do so by the Advocates Act 1961. For example, if a lawyer is determined to have conducted unethical business, the BAR Association has the authority to suspend or revoke the lawyer's licence to practise law. This legislation, which is based on the concept of punishment, has the effect of deterring lawyers from engaging in business that violates their ethical code, and if they do, they will face penalties.

The primary impediment to improving journalism standards in India is the lack of qualifications required to work as a journalist. Hon'ble J. M. Katju had a brilliant notion to regulate media in the same way that law, medicine, and teaching are regulated. This would have aided in the establishment of a professional course standard as well as a penalization system similar to the one we mentioned earlier. The structure of a journalism licence, as provided by the committee of Shraavan Garg and Rajeev Sabade, members of the Press Council of India, and Ujjwala Barve, an associate professor of journalism at Pune University, set up by Hon'ble Justice himself in his capacity as Chairperson of the Press Council of India, provided a basic structure that discussed the idea of examination for such licence. The exam would have been based on knowledge of literature, analytical skills, and other factors.

The absence of authoritative power to govern the media sector is the second barrier. The Press Council of India has a limit on its ability to enforce rules that have been released, and it also cannot sanction a news organisation for violating such guidelines. Another constraint is that the PCI exclusively examines the operation of the press media, which includes newspapers, journals, magazines, and other print publications. Its scope does not include today's internet news portals and e-

news. With the younger generation preferring online news portals to traditional news sources, it begs the question of how to manage such a huge medium in a way that protects media freedom while also preventing the spread of fake news. We'll look at the worldwide case of Mr. Kulbushan Jadhav, who is being held in Pakistan on suspicion of being an Indian spy, to see how devastating fake news can be. This is an outline of the case at the International Court of Justice, where India was represented by Adv. Harish Salve with the goal of bringing Mr. Jadhav back home. While the case was still ongoing, a top writer for the online news outlet The Quint released a piece claiming that he had received confirmation from two RAW agents that Mr. Jadhav was an Indian spy.

Pakistan's attorney in the International Court of Justice presented this piece as gospel truth. The story was then taken down by The Quint due to a lack of trustworthiness. Following considerable inquiry, it was discovered that Mr. Nandy, the journalist who produced this post, had his articles pulled down on several occasions due to a lack of credibility because he could not corroborate his sources of news, rendering his article a work of fiction. Furthermore, this was not the first time something similar had occurred; his publications on the subject had been pulled down on numerous occasions. In today's world, fake news is only growing in power, wreaking havoc on the democratic system as a whole. Another issue is community news, which instills hatred in the mass's mentality. The question is whether a recognised journalist can continue to engage in unethical behaviour without facing repercussions, and whether there is a way to reform this dysfunctional system. The answer is simple: give regulatory authorities the authority to take strong action, which will create a deterrent effect and assist to maintain journalism connected to its ethical roots.

Separate statutory laws governing the domain of media, such as The Press and Registrations of Books Act 1867, The Press Council Act 1977, The Delivery of Books and Newspapers Act 1954, The Working Journalists and other Newspaper Employees Act 1955, Advertising Laws under ASCI, and so on, according to the author; a distributed power to govern the same subject matter. The simplest solution to this dilemma is to codify all media laws. To comprehend codification, we must first comprehend code, which is defined as a systematic collection of statutes, the body of law, organised in such a way as to eliminate inconsistency and overlap, according to its dictionary definition. The Indian Penal Code, Criminal Procedure Code, Civil Procedure Code, and other codified laws are examples; the Insolvency and Bankruptcy Code 2016, for example, is the most recent codification of law. Codification, then, is the systematic process of reducing the entire body of law to a code in the form of enacted law. Different regulatory and self-regulatory bodies pass guidelines for their respective boundaries of powers in media laws, for example, PCI passes guidelines only for press media while the News Broadcasting Standards Authority passes a code of ethics for televised news sources, resulting in a distributed power for the same subject matter, which leads to confusion when it comes to enforcing such guidelines. The following are some of the benefits of codifying media laws:

- Codification increases the clarity of governing laws by shifting the focus away from scattered statutory laws and precedents and toward a systematic organisation of the law.
- The codification simplifies, accessibilizes, and clarifies the law for everyone. By codifying a law, it is made accessible and known to everyone, allowing citizens to better understand their rights and responsibilities.
- Codification guarantees that there are no conflicts between the many provisions of the law on the same subject matter, resulting in a logical and coherent structure.
- It gives stability, which boosts people's trust in it, and it makes legal transactions simple.
- Codification creates uniformity, which aids in the country's planned development.
- Codified law is more uniform and has a broader scope of application. This aids in the development of kinship and solidarity among individuals who share the same laws.

IMPORTANCE OF MEDIA REGULATION:

Regulation of media conduct, structure, or content is an example of media regulation. Libel and defamation would be prohibited, and provisions would be made for national security, obscenity, blasphemy, and media-promoted sedition, as well as film content. Regulation of the media would also aid in the enforcement of privacy laws, intellectual property rights legislation, and restrictions on incitement to violence, racial hatred, and pornography, among other things. In terms of filtering or controlling the trustworthiness of the information that is published, the need for press regulation is equally critical. News on television or in the newspaper should be truthful and based on actual events; it should be a reasonable interpretation of the event rather than a "point of view" of what has occurred.

Furthermore, media regulation is necessary to ensure cultural diversity in media content and to offer a free place for varied perspectives and ideas to be expressed without restriction.

The use of the internet for media consumption has accelerated the recent expansion in the Media and Entertainment industry. OTT platforms have recently begun to offer curated video material that is likely tailored to the requirements and expectations of individuals. The contents published on this platform are highly unethical; there is a lot of immorality, vulgarity, content that can offend religious sensitivities, and slander, yet no action can be taken because OTT services are not governed by any laws. To ensure cultural variety, this platform must be governed by specific regulations or legislation.

CONCLUSION:

The author feels that India urgently requires media regulations to be formalised under one umbrella, allowing for greater auto-response capability and providing regulatory agencies with the ability to penalise violators. As a result, there is a need for the professional course of journalism to be licenced on the basis of an examination, similar to the profession of law, in order to improve journalism standards, as the media is failing in its social responsibilities to the nation. As Hon'ble J. M. Katju so eloquently stated, "Media freedom is a double-edged sword; it can both assist and harm society." With a lack of regulation, the new trend is merely dragging the media standard back into the dark ages of fake news, which is enraging communal strife. As a result of the codified media regulations, India will take a step toward modernisation and will reintroduce the long-lost ethical and moral standards to the journalistic industry.

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